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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/731,834	12/08/2000	Neil A. Willcocks	2280.2680	1867
5514	7590	08/11/2006	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO			ALVAREZ, RAQUEL	
30 ROCKEFELLER PLAZA			ART UNIT	
NEW YORK, NY 10112			PAPER NUMBER	
			3622	

DATE MAILED: 08/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/731,834

Applicant(s)

WILLCOCKS ET AL.

Examiner

Raquel Alvarez

Art Unit

3622

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 21 July 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).


4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s).
13. ☐ Other: _____.


Raquel Alvarez
Primary Examiner
Art Unit: 3622

Continuation of 11. does NOT place the application in condition for allowance because: Applicant argues that Barnett doesn't teach concurrent presentation of an offer to purchase and a variable incentive to make such a purchase, thus providing the motivation for an impulse to buy. The Examiner disagrees with Applicant because in Barnett, if the customer doesn't redeem the coupon within a period of time, the coupon's value changes in value in order to motivate the customer to make a purchase. Barnett, on col. 13, lines 24-26 teaches "The availability of the coupon could be time-sensitive, which would provide further incentive to the user to use the system in a prompt and efficient manner"

Applicant argues that Barnett doesn't provide the incentive simultaneously with the products and/or service. The Examiner disagrees with Applicant because In Barnett, the incentive and the service and product can be provided simultaneously by allowing the customer to purchase the products at the time that the coupons are requested, the customer can redeem the coupons electronically and redeem the coupons at the same session or same time.

Applicant argues that Barnett doesn't teach the initial time and acceptance time to verify the provided current value of said incentive, The Examiner disagrees with Applicant because Barnett on col. 12, lines 9-16 teaches monitoring the time of the coupon's download or acceptance time in order to determine or update or change the coupon's amount.

With respect to Applicant's arguments pertaining to the coupon's value, the Examiner wants to point out that Applicant is concentrating on one embodiment of Barnett and is overlooking the fair teachings of Barnett. Barnett clearly teaches on col. 11, lines 66 to col. 12, lines 1-8, changing the value of the coupon or incentive in order to induce the customer to redeem the coupon.

With respect to claims 12 and 13, Applicant argues that Barnett doesn't teach providing to frequent customers more favorable incentives than those offered to infrequent customers. The Examiner disagrees with Applicant because Barnett teaches customizing the user's coupon packages according to their use of coupons. For example, on Figure 9, it teaches keeping track of coupon redemption in order to determine subsequent coupon sets. A new user (infrequent customer) will receive fixed coupon data and an existing user will receive more favorable incentives based on their coupon usage.

The changes to the specification will be entered.